



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-1370 FAX (603) 271-1381



December 3, 2003

**CERTIFIED MAIL**  
**# 7099 3400 0002 9774 0122**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Venture Holding Company d/b/a Bailey Manufacturing  
700 LaFayette Road  
Seabrook, New Hampshire 03063

Attn: Jennifer L. Mort, General Manager

**Re: Venture Holding Company d/b/a Bailey Manufacturing**  
**Seabrook, New Hampshire**  
**EPA ID No. NHD048729685**

Dear Ms. Mort

On June 18-19, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Venture Holding Company d/b/a Bailey Manufacturing (Venture). The purpose of the inspection was to determine Venture's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, Venture had not performed site-specific waste determinations for the following facility wastes:

- A Waste "State Regulated Material/Waste Oil" mixture generated in the Forklift Area; and
- B. Waste "Paint Filters" generated by the "B" Paint Line.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules. DES requested that Venture conduct hazardous waste determinations for the following:

- A. The characteristic of toxicity (TCLP metals) using the method described in Env-Wm 403.06 for the waste "State Regulated Material/Waste Oil"; and
- B. The characteristic of toxicity (TCLP Organics) using the method described in Env-Wm 403.06 and the characteristic of ignitability (Method 1030- Ignitability of a Solid) for the waste "Paint Filters."

*In a submittal dated September 10, 2003, Kristen Chardo, Environmental Compliance Manager, provided a hazardous waste determination substantiating that the "State Regulated Material/Waste Oil" mixture is non-hazardous. A subsequent October 29, 2003, submittal also provided analytical data and generator knowledge to demonstrate that the waste "Paint Filters" are non-hazardous. No further action is required.*

2. Env-Wm 504.02(d) - Generator Notification

At the time of the inspection, DES notification records did not reflect the change in Venture's contact person, title, and telephone number.

Env-Wm 504.02(d) requires that a generator shall notify DES verbally or in writing of any changes to the information required in Env-Wm 504.02(b), including the facility contact person, within 30 days of the effective date of the change.

DES requested that Venture complete and submit a subsequent notification form in order to accurately reflect the change in Venture's contact person, title, and telephone number.

*In a submittal dated July 3, 2003, Kristen Chardo, Environmental Compliance Manager, provided an updated Hazardous Waste Notification Form that reflected the changes in Venture's contact person, title, and telephone number.*

3 Env-Wm 507.03(a)(1)d. – Container Marking

At the time of the inspection, thirty (30) containers of hazardous waste "Still Bottoms- ("Z" Waste)" located in the Hazardous Waste Storage Area were not marked with a waste number. (See Main Storage Area Container Inventory).

Env-Wm 507.03(a)(1)d. requires that all containers used for the storage of hazardous waste be marked with the EPA or state waste number.

DES requested that Venture ensure that all containers used for the storage of hazardous waste be marked with the EPA or state waste number at the time they are first used to store hazardous waste.

*In a submittal dated July 3, 2003, Kristen Chardo, Environmental Compliance Manager, provided documentation substantiating compliance with DES's container marking requirements. No further action is required.*

4. Env-Wm 509.02(a)(1) General Inspection Requirements

At the time of the inspection, DES confirmed that Venture had not documented the inspections of the hazardous waste storage area prior to January 2002 and for the weeks January 17, 2003, March 14, 2003, March 21, 2003, and March 28, 2003, for a total of eighty-two (82) weeks over a 3-year time period.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s).

DES requested that Venture continue to record in an inspection log or summary, inspections of its hazardous waste storage areas.

*At the time of the inspection, DES confirmed that Venture is currently conducting and documenting weekly inspections of the facility, including the hazardous waste storage area. No further action is required.*

Env-Wm 509.02(a)(5) – Contingency Plan

A review of Venture's contingency plan revealed that the plan had not been updated to reflect the change in the facility emergency coordinator.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Venture revise its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module. DES also requested that Venture submit the updated contingency plan to local authorities.

*In a submittal dated July 3, 2003, Kristen Chardo, Environmental Compliance Manager, provided documentation substantiating that the facility contingency plan had been updated and submitted to local authorities. No further action is required.*

6. Env-Wm 509.02(b)– Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Venture post the required information at the nearest telephone to the hazardous waste storage area.

*In a submittal dated July 3, 2003, Kristen Chardo, Environmental Compliance Manager, provided documentation demonstrating that Venture's emergency posting was complete. No further action is required.*

7. Env-Wm 509.03(d) – Satellite Storage Requirements

At the time of the inspection, the following satellite containers of hazardous waste located in the Kitchen Area were not closed.

- A. One (1) 55-gallon container of "Paint Related Debris- ("W" Waste);"
- B. One (1) 55-gallon container of "Xylene- ("X" Waste);"
- C. One (1) 55-gallon container of "Paint Related Material- ("J" Waste);"
- D. One (1) 55-gallon container of "Still Bottoms- ("Z" Waste);"
- E. One (1) 55-gallon container of "Polychem Flush- ("P" Waste);" and
- F. One (1) 55-gallon container of "Methyl-ethyl-ketone for Recycle."

Env-Wm 509.03(d), which references Env-Wm 507.01(a)(3), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested that Venture ensure that satellite containers storing hazardous wastes be closed at all times, except to add to or remove waste from the containers.

*In a submittal dated July 3, 2003, Kristen Chardo, Environmental Compliance Manager, provided documentation substantiating compliance with DES's closed container requirements. No further action is required.*

8 Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the inspection, Venture did not have on file copies of two (2) hazardous waste manifests certified by the designated facility, including:

- (a) Manifest No. IL9674923, dated August 21, 2001; and
- (b) Manifest No. O393670002, dated October 2, 2002;

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies for three (3) years from the date of signature by the generator.

DES requested that Venture obtain copies of the two (2) hazardous waste manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

*In the July 3, 2003 submittal from Ms. Kristen Chardo, copies of the above-listed manifests, from the designated facility, were provided to DES. No further action is required.*

9. Env-Wm 1112.04 - Universal Waste Management

At the time of the inspection, three (3) containers of universal waste lamps stored in the hazardous waste storage area were not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

Env-Wm 1112.04 requires universal waste handlers to ensure all container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requested that Venture clearly label or mark containers holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

*In a submittal dated July 3, 2003, Kristen Chardo, Environmental Compliance Manager, provided documentation substantiating compliance with the Universal Waste container marking/labeling requirements. No further action is required.*

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Venture to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Marschner", is written over a large, bold, black "COPY" stamp.

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/NOPV/RPB/Archives  
Frederick J. McGarry, P.E., DEE, Chief Engineer, Acting Director, WMD  
Gretchen Rule Esq., Administrator, DES Legal Unit  
Kristen A. Chardo, Environmental Compliance Manager, Venture Holding Company

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Modules